

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

AMIN BETUNI

No. 23 CR 392

Rebecca R. Pallmeyer
Chief Judge

UNOPPOSED MOTION FOR EXTENSION OF TIME TO INDICT

The UNITED STATES OF AMERICA, by its attorney, MORRIS PASQUAL, Acting United States Attorney for the Northern District of Illinois, respectfully moves this Court, pursuant to 18 U.S.C. § 3161(h)(7), for a 30-day extension of time, to and including October 11, 2023, in which to seek the return of an indictment against defendant and states as follows:

Background

1. On July 10, 2023, defendant Amin Betuni was charged by criminal complaint. (Dkt. 1) More specifically, defendant is charged with one count of possession of a machinegun in violation of Title 18, United States Code, Section 922(o). This criminal complaint stems from a joint long-term investigation conducted by Homeland Security Investigations (“HSI”) and the United States Department of Commerce.

2. On July 12, 2023, defendant Amin Betuni was arrested and had his initial appearance before Magistrate Judge Weisman. (Dkt. 6). On July 14, 2023, defendant Amin Betuni waived his right to a preliminary hearing and was released

on conditions. (Dkt. 8). On July 18, 2023, counsel of record for defendant Amin Betuni was provided with preliminary discovery.

3. On July 28, 2023, upon the Government's unopposed motion, the Court extended the time within which to file an indictment against the defendant to and including September 11, 2023. (Dkt. 18).

Argument

4. According to the Speedy Trial Act, the government must file any information or indictment charging an individual with the commission of an offense within 30 days from the date on which the individual was arrested. 18 U.S.C. § 3161(b). Time may be excluded from the computation of this 30-day period if a judge grants a motion for a continuance made by the government upon finding that the ends of justice served by granting the continuance outweigh the best interest of the defendant and public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A); *see also United States v. Adams*, 625 F. 3d 371, 378-79 (7th Cir. 2010).

5. Among the factors identified by Congress as relevant to a determination of whether time should be extended for the government to seek the return of an indictment or file an information are those set forth in 18 U.S.C. § 3161(h)(7)(B). It provides in relevant part:

Whether, in a case in which arrest precedes indictment, delay in the filing of the indictment is caused because the arrest occurs at a time such that it is unreasonable to expect return and filing of the indictment within the period specified in section 3161(b), or because the facts upon which the grand jury must base its determination are unusual or complex.

Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for the effective preparation, taking into account the exercise of due diligence.

18 U.S.C. §§ 3161(h)(7)(B)(iii), and (iv).

6. The government's investigation in this case is ongoing and respectfully submits that a 30-day continuance is warranted in this case pursuant to the foregoing provisions. The government has been conducting a diligent and thorough investigation in this case, but the additional factors cited in the Attachment to this motion, which will be filed separately under seal, warrant an extension of time that will allow the government to complete its investigation, address the factors leading to this request, and make a proper charging decision.

7. As referenced previously, the current deadline for an indictment or information to be filed against defendant Amin Betuni is September 11, 2023. This is the government's second request for an extension of time.

8. The government has spoken with counsel for defendant and counsel does not object to the requested extension.

Conclusion

9. For the foregoing reasons, the United States respectfully requests that the Court grant this motion and extend the time for the return of an indictment or for filing an information against Amin Betuni to, and including, October 11, 2023.

Respectfully submitted,

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Acting United States Attorney

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Dated: September 7, 2023